



SENATOR JEFF PLALE  
SEVENTH SENATE DISTRICT

CHAIR  
COMMITTEE ON COMMERCE, UTILITIES, AND RAIL

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**Testimony of Senator Jeff Plale**  
**Senate Bill 288**  
**Senate Committee on Labor, Elections and Urban Affairs**

Thank you Chairman Coggs and members of the committee for your consideration of this bill.

Senate Bill 288 has two main purposes: to create greater oversight for the cemetery board and clean up language in the original budget provision that created the Cemetery Board. This legislation would extend the Cemetery Board's regulating power to include all Wisconsin Cemeteries-*except* those operated by a municipality, church or benevolent organization. This bill would also transfer several regulatory functions that currently reside with the Department of Regulation and Licensing over to the Cemetery Board.

SB 288 is much needed legislation that will ensure consumer protection and bring more regulation to an industry that was, until recently, relatively un-monitored. This bill will provide the people of Wisconsin the confidence that their loved ones are going to be looked after with care when they are gone. Also, if signed into law, this bill would create greater standards for cemeteries in an effort to benefit the good actors in this industry and hold accountable those that may not be providing the best service to those that have lost their loved ones.

SB 288 has little, if any, opposition from consumers or those in the industry. In fact, this legislation was initiated by the industry that it will serve to regulate. Truly, the entire State of Wisconsin will benefit by this bill passing this committee and being signed into law.

Again, I want to thank the committee for hearing my testimony today, and I strongly urge you to support this bill. I will be happy to answer any questions you may have at this time.



Testimony Before the Senate Committee on Labor, Elections  
and Urban Affairs in Support of 2007 SB 288  
November 28, 2007

My name is Glen Porter. I come before you today as a representative of the Wisconsin Cemetery Board. I currently serve as the Chairman of that Board and have been authorized by a unanimous vote to speak today in favor of the passage of SB 288.

The mission of all regulatory boards in Wisconsin is to protect the citizens of our State by ensuring the safe and competent practice of licensed professionals. We believe that SB 288 does just that.

This bill requires that nearly all cemeteries would either be licensed or registered. This will allow for a higher level of monitoring of the millions of dollars currently held in trust for the future maintenance of cemeteries. Protection of these funds is the single most important factor needed to insure that our cemeteries will continue to be properly maintained.

Improperly maintained cemeteries become the responsibility of the local government and become a burden to the taxpayers. Currently, no one knows if a cemetery's trust funds are being mishandled. It only comes to light when the damage has already been done and the only recourse is to turn the cemetery over to the local government. SB 288 aims to minimize such cases by requiring an annual accounting of cemetery trust funds.

The bill also reassigns several duties that now performed by the Department of Regulation and Licensing and places them with the Cemetery Board. These duties include authorization for a change in cemetery trust fund trustees, authorization for the sale or encumbrance of cemetery land and regulation of warehouses that store preneed cemetery merchandise. These are logical steps to take now that the Board is fully active.

The Wisconsin Cemetery Board believes that enactment of SB 288 is good public policy for the citizens of Wisconsin. It is pro-consumer and it is pro-taxpayer. We urge you vote in favor of SB 288.

Thank you,

A handwritten signature in black ink, appearing to be "E. Glen Porter III", written in a cursive style.

E. Glen Porter III  
Chairman  
Wisconsin Cemetery Board



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## Officers

Michael Welsh - Executive Director

Richard Majewski - Secretary  
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Jeff Reinhart  
La Crosse Catholic Cemeteries  
La Crosse

## Supplier Representative

Ted Tingesdahl  
Matthews International Corp.

**TO:** Chairman Coggs and members of the Senate Labor, Elections and Urban Affairs Committee  
**FROM:** Michael Welsh, Wisconsin Cemetery & Cremation Association  
**DATE:** November 28, 2007  
**RE:** Written testimony in favor of Senate Bill 288

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Chairman Coggs and members of the Committee, thank you for the opportunity to provide testimony today on Senate Bill 288. On behalf of the Wisconsin Cemetery and Cremation Association, I would like to request your support for this important legislation.

Last session, the Legislature created the Cemetery Board at the Department of Regulation and Licensing to enhance state regulation over cemeteries, cemetery salespersons and cemetery preneed sellers in Wisconsin.

While the "new" regulations are a significant improvement over previous law – which provided for little state oversight of the cemetery industry – the WCCA believes the passage of SB 288 is the next logical step in providing practical, yet necessary protection for both consumers and taxpayers.

Senate Bill 288 would expand the number of cemeteries under the Cemetery Board's regulatory purview to potentially include most cemeteries in the state. Currently, the Board's oversight is limited to larger, more active cemeteries – defined by law as cemeteries are at least 5 acres in size, sell more than 20 cemetery lots annually or that have \$100,000 or more in preneed trust funds.

As of today, roughly 140 cemeteries are licensed by the Cemetery Board. While that's a significant step in the right direction, for all intents and purposes, most of the state's estimated 5,000 cemeteries remain unregulated.

In an effort to improve state oversight of the cemetery industry, Senate Bill 288 would do the following:

- 1. Require all cemeteries not currently licensed by the Board – and do not meet the licensure requirements described above – to register with the Board.**  
Registration with the Cemetery Board would require a minimal fee (\$10 annually) and subject registered cemeteries to the following regulations:
  - File annual financial reports with the Cemetery Board, detailing the balance and the amounts deposited in or withdrawn from the cemetery's perpetual care trust funds or preneed trust funds.
  - Deposit care funds and preneed trust funds in accordance with state law.
  - Record the conveyance of all cemetery lots, including the date sale and the name and address of the purchaser.
  - Seek Board approval to sell or encumber cemetery land.

By requiring Wisconsin cemeteries to abide by these simple regulations, it will help protect consumers and their families from potential deceptive or illegal business practices. Religious, benevolent and municipal cemeteries would be required to register with the Board and would be exempt from these requirements.

**2. Transfer several appropriate regulatory functions that currently reside with the Department of Regulation and Licensing over to the Cemetery Board.**

The following responsibilities would be transferred to the Board:

- Oversight over cemetery management of care funds and preneed trust funds as well as the investment of those funds in accordance with state law.
- Take delivery of financial reports that cemeteries are required to file annually.
- Regulate warehouses that store cemetery merchandise sold under preneed contracts.

By increasing the scope of the Cemetery Board's authority, SB 288 will create a regulatory climate that will allow cemeteries to continue to serve their communities, while at the same time provide greater protection for Wisconsin consumers.

Furthermore, under current law, cemeteries that are abandoned or neglected become the responsibility of the local unit of government. By expanding reporting requirements to potentially include most Wisconsin cemeteries, SB 288 may help the state identify "problem" cemeteries on the verge of neglect or abandonment before they become a burden to local taxpayers.

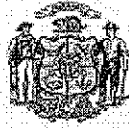
- In closing, the Wisconsin Cemetery and Cremation Association would once again ask for your support of Senate Bill 288.

Thank you.

Jim Doyle  
Governor

Celia M. Jackson  
Secretary

WISCONSIN DEPARTMENT OF  
REGULATION & LICENSING



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November 21, 2007

Senator Spencer Coggs  
Room 123 South  
State Capitol  
P.O. Box 7882  
Madison, WI 53707-7882

Re: Support for the Passage of 2007 Senate Bill 288

Dear Chairman Coggs,

The Wisconsin Cemetery Board has unanimously voted to support the passage of 2007 Senate Bill 288, relating to: regulation of and registration requirements for certain cemetery authorities, cemetery associations, and cemetery merchandise.

The Cemetery Board requests your support for 2007 Senate Bill 288. This bill would require cemeteries that are 5 acres or greater in size or annually sell 20 or more grave spaces or control over \$100,000.00 in trust funds to be licensed by the Wisconsin Cemetery Board. The bill also requires that cemeteries that do not meet any of these criteria to be registered with the Board. There are exemptions for Religious and Governmental Cemeteries.

As of today, fewer than 150 cemeteries are required to be licensed by the Cemetery Board. It is estimated that there is over \$100,000,000.00 in trust funds held by the thousands of cemeteries in Wisconsin. Proper accounting for these funds is vitally important to the continued viability of those cemeteries. In Wisconsin, cemeteries that become abandoned or neglected become the responsibility of the local unit of government.

The bill also reassigns certain duties to the recently created Cemetery Board that had been previously assigned to the Department of Regulation and Licensing.

We respectfully request that you support the passage of 2007 Senate Bill 288.

Sincerely,

E. Glen Porter III  
Chairperson  
Wisconsin Cemetery Board